

## Noncompliance Findings (Continued)

### Public Records Testing

The County adopted a Public Records Ordinance - No. 02011-003 on January 3, 2011 and amended it on March 22, 2011 - No. 02011-0012, requiring eighteen Departments adhere to the public records procedures being adopted.

During a review of the five Departments that were required to maintain requests pursuant to the Ordinances we selected five transactions for each Department and noted the following:

- Section 5.2 Maintenance of Electronic Mail states the following:

"All electronic mail sent or received through the Cuyahoga County Information Services Center shall be the property of Cuyahoga County. The necessity to maintain electronic mail as public records shall depend on the content of the records, not the medium in which it is kept. It shall be the responsibility of the public records managers and each individual user to insure that electronic mail is maintained in accordance with records retention schedule for each office, and that records which must be kept for an extended length of time will not be placed in files where they will be automatically deleted."

All five of the public records requests selected for testing at the Department of Public Works were fulfilled by electronic mail with attachments; however, once the electronic mail was sent it was deleted and not maintained. According to the County, it may be retrieved from the server, if necessary, but a hard copy is not maintained.

We recommend that all electronic mail be maintained in accordance with the above policy.

- Section 6.5: Public Records Request Log states the following:

"Each office shall maintain a log of all public records requests received that relate to governmental operations and shall forward a copy of the log at the end of each week to the Deputy Countywide Records Manager, who shall maintain a countywide public records log. Each office shall, with the approval of the Deputy Countywide Records Manager, determine what kinds of public records requests received by that office relate to personal or business matters, rather than governmental operations; and these requests shall not be required to be included in the log. For each public records request required to be included in the public records request log, the following information shall be provided:

- (A) The office that received the request
- (B) The date that the request was received
- (C) The name of the requestor, if known
- (D) A brief description of what records were requested,
- (E) The date that the response to the request was completed
- (F) A brief description of any denials or redactions required."

The Sheriff's and Public Works Departments maintained a log of all public records requests; however the logs were not forwarded to the Deputy Countywide Records Manager weekly to be included in the countywide public records log.

The Fiscal Department maintained a log of all public records requests that were forwarded, however, the logs were forwarded quarterly to the Deputy Countywide Records Manager, instead of weekly.

## **Noncompliance Findings (Continued)**

### **Public Records Testing (Continued)**

We recommend that all Department's forward their log of public records at the end of each week to the Deputy Countywide Records Manager in accordance with the above policy.

At the Sheriff's Department, the date the response to the request was completed was not recorded in the log for two of the six public requests tested. Since the date the requests were completed was not recorded we could not determine the timeliness of the responses.

We recommend the date the request is completed be recorded in the Public Records Request Log, in accordance with the above policy.

- Chapter 8: Public Records Training states the following:

"All elected public officials and public records managers shall attend training on public records policy approved by the Ohio Attorney General, as provided for in Section 109.43 of the Ohio Revised Code. Each public office shall encourage other appropriate persons to receive public records training."

The Fiscal and Sheriff Departments Public Records Managers could not produce evidence they attended training on public records.

We recommend the required County official's attend the public records training.

### **Personnel Policies and Procedures Manual, Cuyahoga County Department of Human Services, Section 18: Records Management**

The Cuyahoga County Public Records Ordinance was included in Section 18 of the Personnel Policies and Procedures Manual as a means of communicating the requirements to the employees, however, Chapter 8: Public Records Training requirements stipulated in the Ordinance was omitted from the Manual. As a result, the Manual does not include the public records training requirements. Furthermore, the County requires its employees electronically signing off on the manual in order to document communication and confirmation of the requirements.

We recommend the County update the Personnel Policies and Procedures Manual to include the Cuyahoga County Public Records Ordinance in its entirety.

Auditor of State Bulletin 2011-006, Best Practices for Responding to Public Records Requests, recommends making copies of responses to public records requests that include redactions so you know what you have provided. These copies should be kept in accordance with your records retention schedule.

The Public Works and Sheriff Departments responded to the requests but did not retain a copy of the responses.

We recommend the County maintain copies of responses to public records requests in accordance with Auditor of State Bulletin 2011-006.